

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 04-11127-JLT

EXPERIENCE, INC.

Plaintiff

v.

CSO RESEARCH, INC.,

Defendant

**JOINT STATEMENT PURSUANT TO
FED. R. CIV. P. 26(f) AND LOCAL RULE 16.1(B)**

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1(B), the parties have conferred to discuss, among other things: (a) preparing an agenda of matters to be discussed at the scheduling conference; (b) preparing a proposed pre-trial schedule and discovery plan; and (c) considering whether the parties will consent to a trial by a magistrate judge. Plaintiff Experience, Inc. (“Experience”) and defendant CSO Research, Inc. (“CSO”), jointly submit this statement.¹

1. Proposed Agenda for Scheduling Conference

- a. Establish a discovery and trial schedule (see below).
- b. Address suitable protective order for protection of confidential or proprietary commercial information. The parties will submit for the Court’s consideration an agreed form of protective order by November 17, 2004

2. Proposed Pretrial Schedule

- a. Complete all fact discovery, including depositions and written discovery: April 30, 2005

¹ The parties wish to alert the Court that the principles of Experience and CSO are engaged in active mediation with Maria Walsh of JAMS, and are hopeful that continuing efforts through mediation will resolve the remaining disputed issues and lead to a settlement.

- b. Join parties and amend pleadings: February 1, 2005
- c. Exchange initial expert reports: May 30, 2005
- d. Exchange rebuttal expert reports: June 30, 2005
- e. Complete all expert discovery: September 16, 2005
- f. File all dispositive motions: October 1, 2005
- g. Hold final pretrial conference: To be scheduled by Court
- h. Parties ready for trial: To be scheduled by Court

3. List of Proposed Deponents

A. Experience may want to depose the following persons:

- a. Erik Mulloy, President of CSO
- b. Representative of CSO's Board of Directors
- c. Rule 30(b)(6) deponent(s) to testify about various matters, including but not limited to, development of CSO's Interfase CS Software, marketing, sales, and accounting issues
- d. Experience customers who formerly used 1stPlace
- e. CSO customer service and computer programming personnel
- f. CSO marketing personnel
- g. Various CSO customers
- h. Expert(s) designated by CSO

B. CSO may want to depose the following persons:

- a. Jennifer Floren, President of Experience
- b. Robert Carbonaro, Vice President of Experience
- c. Lisa Mastrangelo, former Vice President of Finance of Experience
- d. Christie Johnson, Experience

- e. Representative of Experience's Board of Directors
- f. CSO customers who formerly used 1stPlace
- g. Experience marketing personnel
- h. Experience customer service and computer programming personnel
- i. Rule 30(b)(6) deponent to testify about various matters, including but not limited to, Experience's factual bases for its copyright infringement allegations, damages, marketing, sales, and accounting issues
- j. Various Experience customers
- k. Expert(s) designated by Experience

4. Certifications of Counsel

The certifications of plaintiff and defendant and their respective counsel pursuant to Local Rule 16.1(D)(3) are attached. See Attachments A and B.

5. Phased Discovery

Phased discovery is not required in this action.

6. Trial by Magistrate

The parties consent to trial by magistrate.

7 Pending Motions

There are no pending motions.

Respectfully submitted,

EXPERIENCE, INC.
By its attorneys,

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Respectfully submitted,

CSO RESEARCH, INC.
By its attorneys,

/s/ Erik Paul Belt
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Dated: October 26, 2004

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